

1 The United States has reviewed the Presentence Investigation Report and
 2 has determined, based upon information that is presently available, that the
 3 Presentence Report is factually complete and accurate.

4 **A. The Sentencing Guideline Calculations and Statutory Provisions.**

5 The U.S. Probation Office has determined Defendant's base offense level,
 6 for Receipt of Child Pornography, pursuant to the United States Sentencing
 7 Guidelines (U.S.S.G.) 2013 edition § 2G2.2(a)(1), to be 18. (PSR ¶ 19). The U.S.
 8 Probation Office has determined that the facts of the case warrant a number of
 9 specific characteristic reductions and/or enhancements, which the parties also
 10 agreed to as part of the plea agreement:
 11

- 12 • The offense involved victim minor(s) under the age of
 13 twelve years, U.S.S.G. § 2G2.2(b)(2); (PSR ¶ 20); (+2);
- 14 • The offense involved sadistic or masochistic depictions,
 15 U.S.S.G. § 2G2.2(b)(4); (PSR ¶ 21); (+4);
- 16 • The offense involved the use of a computer,
 17 U.S.S.G. § 2G2.2(b)(6); (PSR ¶ 22); and (+2);
- 18 • The offense involved 3,835 images (over 600 images),
 19 U.S.S.G. § 2G2.2(b)(7)(D); (PSR ¶ 23) (+5).

20 The United States concurs with the PSR that a downward adjustment for
 21 acceptance of responsibility is appropriate. Thus, with a three level reduction for
 22 acceptance of responsibility, Defendant's total adjusted offense level is 28. (PSR
 23 ¶ 30).

24 Defendant has no criminal history points, thus, his criminal history category
 25 is I. (PSR ¶ 36). Based upon Defendant's total adjusted offense level of 28 and a
 26 criminal history category of I, Defendant's sentencing guideline range is 78-97
 27 months. (PSR ¶ 58).
 28

1 The statutory period of imprisonment for Possession of Child Pornography
2 is not more than 20 years imprisonment. (PSR ¶ 57). As to supervised release, a
3 period of not less than five (5) years nor more than a life term of supervised release
4 is required, pursuant to 18 U.S.C. § 3583(k). (PSR ¶ 58).

5 Pursuant to the Fed. R. Crim. P. 11(c)(1)(C) plea agreement, the United
6 States and the Defendant will be recommending a sentence of four (4) years
7 imprisonment for possession of child pornography, to be followed by a twenty (20)
8 year term of supervised release. (ECF 38, Plea Agreement pgs. 2 and 7).

9 Also, at the time of sentencing the United States will be moving to dismiss
10 Count One of the Indictment, which charges the Defendant with Receipt of Child
11 Pornography, in violation of 18 U.S.C. §2252A(a)(2). (ECF 38, Plea Agreement
12 pg. 5, ¶ 6).

13
14
15 **B. Fines, Forfeiture, Special Penalty Assessment, and Restitution.**

16 At sentencing, the United States does not anticipate requesting the Court
17 impose a fine.

18 Pursuant to the Plea Agreement, the Defendant agreed to voluntarily forfeit
19 the following:

- 20 1) One Apple iPod Touch; and
21 2) One HTC EVO 3D Wireless phone,
22 seized from Defendant on August 21, 2013. (ECF 38, page 10).

1 A special penalty assessment of \$100 is required. (PSR ¶ 66).
2 Restitution is not an issue. (PSR ¶ 68).
3

4 DATED July 1, 2014.
5

6 Michael C. Ormsby
7 United States Attorney

8 s/Stephanie J. Lister

9 Stephanie J. Lister
10 Assistant United States Attorney

11 I hereby certify that on July 1, 2014, I electronically filed the foregoing with
12 the Clerk of the Court using the CM/ECF System which will send notification of
13 such filing to the following, and/or I hereby certify that I have mailed by United
14 States Postal Service the document to the following non-CM/ECF participant(s):
15

16 Matthew Campbell
17 Federal Defenders
18 10 N. Post St., Suite 700
19 Spokane, WA 99201

20 Shane L. Moore
21 U.S. Probation Officer
22 920 West Riverside, Room 540
23 Spokane, WA 99201

24 s/Stephanie J. Lister

25 Stephanie J. Lister
26 Assistant United States Attorney
27
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